

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13519 of Standard Properties, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue to operate a parking lot in the C-1 and R-1-B Districts at the premises 5510 MacArthur Blvd., N.W., (Square 1445, Lot 815 and part of Lot 814).

HEARING DATE: September 16, 1981
DECISION DATE: October 7, 1981

FINDINGS OF FACT:

1. The subject site is located at the northwest corner of the intersection of MacArthur Blvd. and Cathedral Avenue. It is known as premises 5510 MacArthur Blvd. N.W. It is in the C-1 and R-1-B Districts.

2. The Board last approved the continuation of the subject parking lot in BZA Order No. 12573, dated January 4, 1979, for a period of four years. The lot has been in existence since 1963. There are no future plans for the lot other than to have it remain as a parking lot.

3. The applicant and the three tenants of his building, two beauty shops and the H.D. Johnson Plumbing Co., use the parking lot. Fourteen parking spaces are provided on the lot. There is no charge for parking. The lot operates 365 days a year, twenty-four hours a day.

4. The lot is accessible by way of a fifteen foot public alley to its rear leading out to Cathedral Avenue. A fence obstructs the direct view of the lot from the street.

5. The parking lot generates approximately twenty cars a day into the alley leading into the lot. This does not create any dangerous or otherwise objectionable conditions in regard to the use of the alley or the intersection of that alley with Cathedral Avenue.

6. The users of the lot are bascially employees who work in the building who are familiar with the lot and do not cause any tie-up of the use of the fourteen spaces.

7. The applicant has received no complaints about the operation or maintenance of the parking lot. There is a

sign on the building giving the name and address of the owner where a person could register complaints.

8. The Department of Transportation, by memorandum dated June 30, 1981, reported no adverse impacts identified. The lot was clean and in fair condition. The DOT had no objection to the continued use of the parking lot.

9. There was no objection to the application.

10. Advisory Neighborhood Commission 3D filed no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a special exception, the granting of which requires proof that the applicant has complied with the requirements of Paragraph 3101.48 of the Zoning Regulations. The Board concludes that the applicant has so complied. The Board is of the opinion, that because of the nature and size of the lot, there will be no adverse affect upon the present character or future development of the neighborhood. The Board concludes that no objectionable traffic conditions will result from its use and that the lot is reasonably necessary and convenient to surrounding uses. The Board further concludes that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring properties. Accordingly it is therefore ORDERED that the application is GRANTED subject to the following conditions:

- A. Approval shall be for a period of FOUR years from the date of expiration of the previous certificate of occupancy, namely May 12, 1981.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy

growing condition and in a neat and orderly appearance.


F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Douglas J. Patton William F. McIntosh and Connie Fortune to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

21 DEC 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.